

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 250
96TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 27, 2011, with recommendation that the Senate Committee Substitute do pass.

0601S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 256.400, RSMo, and to enact in lieu thereof three new sections relating to well water.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 256.400, RSMo, is repealed and three new sections
2 enacted in lieu thereof, to be known as sections 256.400, 256.433, and 640.116,
3 to read as follows:

256.400. As used in sections 71.287 and 256.400 to [256.430] **256.433**,
2 unless the context clearly indicates otherwise, the following terms mean:

3 (1) "Department", the department of natural resources;

4 (2) "Director", the director of the department of natural resources;

5 (3) "Division", the division of geology and land survey of the department
6 of natural resources;

7 (4) "Major water user", any person, firm, corporation or the state of
8 Missouri, its agencies or corporations and any other political subdivision of this
9 state, their agencies or corporations, with a water source and equipment
10 necessary to withdraw or divert one hundred thousand gallons or more per day
11 from any stream, river, lake, well, spring or other water source;

12 (5) "State geologist", the director of the division of geology and land survey
13 of the department of natural resources;

14 (6) "Water source", any stream, river, lake, well, spring or other water
15 source.

256.433. Notwithstanding any provision of law to the contrary,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 no major water user shall convey water withdrawn or diverted from
3 within the Southeast Missouri Regional Water District created under
4 section 256.643 when such withdrawal or diversion and subsequent
5 conveyance to a location outside such district unduly interferes with
6 the reasonable and customary activities of a major water user
7 registered under section 256.410 located within said district. If such
8 conveyance occurs, the attorney general or the party or parties affected
9 may file an action for an injunction, however, in no case shall an
10 injunction be issued if the injunction would be detrimental to public
11 health or safety.

640.116. 1. Any water system that exclusively serves a charitable
2 or benevolent organization, if the system does not regularly serve an
3 average of one hundred persons or more at least sixty days out of the
4 year and the system does not serve a school or day-care facility, shall
5 be exempt from all rules relating to well construction except any rules
6 established under sections 256.600 to 256.640 applying to multifamily
7 wells, unless such wells or pump installations for such wells are
8 determined to present a threat to groundwater or public health.

9 2. If the system incurs three or more total coliform maximum
10 contaminant level violations in a twelve-month period or one acute
11 maximum contaminant level violation, the system owner shall either
12 provide an alternate source of water, eliminate the source of
13 contamination, or provide treatment that reliably achieves at least
14 ninety-nine and ninety-nine one-hundredths percent treatment of
15 viruses.

16 3. Notwithstanding this or any other provision of law to the
17 contrary, no facility otherwise described in subsection 1 of this section
18 shall be required to replace, change, upgrade, or otherwise be
19 compelled to alter an existing well constructed prior to August 28, 2011,
20 unless such well is determined to present a threat to groundwater or
21 public health or contains the contaminant levels referred to in
22 subsection 2 of this section.

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